

Message Text

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ACTION COA-01

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C O N F I D E N T I A L GUAYAQUIL 146

C O R R E C T E D C O P Y (TEXT)

E.O. 11652: GDS

TAGS: EFIS, EC

SUBJ: SEIZURE OF US TUNA VESSELS: STATUS REPORT

REF: GUAYAQUIL 139

1. VINCENT YULEE, VAN CAMP REP REGARDING SEIZURES, CALLED CONGEN EVENING OF JAN. 27 WITH INFORMATION THAT DIRECTOR GENERAL OF FISHERIES, WILSON ARROYO, HAD REACHED PRELIMINARY DECISION CONCERNING FINES AND CONFISCATION OF CATCH. ON JAN. 28 BOTH DECISIONS WILL BE REFERRED FOR APPROVAL TO OFFICIALS IN QUITO (PRESUMABLY SUB-SECRETARY FOR FISHERIES OF MINISTRY OF NATURAL RESOURCES).

2. ACCORDING TO YULEE, FINES FOR FOUR BOATS WILL TOTAL 6,348,000 SUCRES (US \$253,920). FINES FOR INDIVIDUAL BOATS WILL BE: MARY ELIZABETH - 1,383,000 SUCRES (US \$55,320); JACQUELINE A - 1,179,000 SUCRES (US \$47,160); CALYPSO - 1,482,000 SUCRES (US \$59,280); AND THE REPEAT OFFENDER, CITY OF LISBON - 2,304,000 SUCRES (US \$92,160).

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3. CONCERNING CONFISCATION OF CATCH, YULEE STATES THAT ARROYO WILL PROPOSE TO HIS SUPERIORS THAT VAN CAMP BE ASKED TO PURCHASE FROM ECUADOREAN AUTHORITIES THE TOTAL CATCH (1,130 TONS) FOUND ON BOARD BOATS WHEN THEY WERE CAPTURED. PRICE THAT WOULD BE ASKED IS UNKNOWN. WE BELIEVE THAT IT COULD RANGE FROM US \$280 PER TON (PRICE PAID FOR TUNA IN SALINAS) TO US \$585 PER TON (PRICE PAID IN SAN DIEGO) BUT THUS FAR NO PRICE HAS BEEN SUGGESTED BY OFFICIALS. TO COMPLY WITH THAT PROVISION OF ECUADOREAN FISH LAW THAT REQUIRES 20 PER CENT OF CATCH OFF-LOADED IN ECUADOR TO BE SOLD IN INTERNAL MARKET, VAN CAMP SUBSIDIARY IN MANTA, INEPACA, WILL BE ASKED TO AGREE TO OFFER FOR DOMESTIC CONSUMPTION AN AMOUNT OF FISH EQUIVALENT TO 20 PER CENT OF TOTAL CATCH NO ON BOARD THE SEIZED VESSELS. YULEE STATED THAT GUNTHER BUEHS, INEPACA PLANT MANAGER, WOULD TELEPHONE VAN CAMP CALIFORNIA OFFICE ON JAN. 28 CONCERNING THESE PROPOSALS.

4. TWO BOAT CAPTAINS HAVE MADE SWORN STATEMENTS TO DIRECTOR GENERAL OF FISHERIES THAT ALL OF THE FISH (A THIRD CAPTAIN SAID MOST OF HIS FISH) FOUND ON BOARD WHEN SEIZURES TOOK PLACE HAD BEEN CAUGHT OUTSIDE ECUADOREAN-CLAIMED 200-MILE TERRITORIAL SEA (SEE PARA 7, BELOW). ARTICLE 87 OF ECUADOREAN FISHING LAW STATES WITHOUT QUALIFICATION, HOWEVER, THAT FISH ON BOARD AT MOMENT BOAT IS CAPTURED WILL BE CONFISCATED. ALL CAPTAINS ASSUME THAT VAN CAMP WILL BE REIMBURSED BY USG UNDER PROVISIONS OF FPA FOR EXPENDITURES MADE IN SETTLING CONFISCATION OF CATCH PROBLEM. THIS IMPORTANT ISSUE FOR THEM AND ALSO FOR CREW MEMBERS WHO RECEIVE WAGES ON BASIS TONNAGE CAUGHT.

5. SUGGESTED RESOLUTION OF CONFISCATION OF CATCH PROBLEM MAY APPEAR COMPLEX AND OBJECTIONABLE TO VAN CAMP BUT IT WILL CERTAINLY PERMIT CAPTURED BOATS TO DEPART SALINAS AT MUCH EARLIER DATE THAN WOULD BE CASE IF THEIR CATCH ACTUALLY OFF-LOADED IN ECUADOR. DIRECTOR GENERAL OF FISHERIES HAS THUS FAR BEEN UNSUCCESSFUL IN HIS SEARCH FOR ADEQUATE STORAGE FACILITIES FOR CATCH IN SALINAS AND MANTA.

6. JACQUELINE A PRESENTS MORE DIFFICULT PROBLEM THAN OTHER THREE BOATS BECAUSE IT NOT UNDER CONTRACT WITH VAN CAMP. IN ADDITION, BOAT'S CAPTAIN TOLD US THAT JACQUELINE A HAD 400 TONS OF TUNA ON BOARD WHEN HE BECAME MASTER ON JAN. 5 BECAUSE BOAT OWNER, ZAPATA OCEAN RESEARCH (OWNER OF OTHER THREE BOATS AS WELL), HAD HAD DISPUTE
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WITH VAN CAMP AND LATTER HAD REFUSED ACCEPT CATCH. CONSUL GENERAL URGES THAT DEPARTMENT REQUEST VAN CAMP PROVIDE SOME ASSISTANCE TO JACQUELINE A
AS TO OTHER THREE BOATS IN ORDER RESOLVE SEIZURE
PROBLEM SOONEST.

7. EARLIER ON JAN. 27 FOUR TUNA BOAT CAPTAINS, YULEE, AND CONSUL KENNETH KELLER MET AT MID-DAY WITH DIRECTOR GENERAL OF FISHERIES AT

HIS OFFICE. PURPOSE OF MEETING WAS FOR CAPTAINS TO MAKE OFFICIAL STATEMENT AMPLIFYING THAT MADE PREVIOUSLY IN SALINAS WHERE CAPTAINS STATED THEY HAD BEEN CAPTURED ABOUT 122 MILES OFF ECUADOREAN COAST. CAPTAINS OF CALYPSO AND MARY ELIZABETH DECLARED THAT ALL TUNA ON BOARD THEIR BOATS AT TIME OF CAPTURE HAD BEEN CAUGHT OUTSIDE ECUADOREAN-CALIMED 200-MILE LIMIT; JACQUELINE A CAPTAIN STATED ONLY ABOUT 78 TONS OF 478 TONS HE HAD ON BOARD AT TIME OF CAPTURE HAD BEEN CAUGHT WITHIN 200 MILES OF ECUADOREAN COAST. CITY OF LISBON CAPTAIN DID NOT CLAIM HIS CATCH HAD BEEN TAKEN OUTSIDE 200-MILES OF ECUADOREAN COAST. CAPTAINS MAINTAIN THAT THEIR LOGS, NOW IN CUSTODY OF ECUADOREAN AUTHORITIES, SHOW WHERE THEIR FISH WERE CAUGHT.

8. AFTERNOON OF JAN. 27 MEETING HELD AT CONSULATE GENERAL ATTENDED BY VERLIN C. CLARK (CAPTAIN OF JACQUELINE A), JOSE SILVA RAFFLES (CALYPSO), MICHAEL DEGAETANO (MARY ELIZABETH), NICHOLAS L. LAVALOU (CITY OF LISBON), VICENTE YULEE, CONSUL WILLIAM SCHRAGE, CONSUL KELLER, AND CONSUL GENERAL. BOAT CAPTAINS' MOST PRESSING CONCERN WAS DELAY IN REACHING DECISION ON FINES ANY CONFISCATION OF CATCH. MOST OF AFTERNOON'S DISCUSSION NOW OVERTAKEN BY EVENTS WITH DIRECTOR GENERAL OF FISHERIES PROPOSALS ON THESE TWO PROBLEMS. CAPTAINS ALSO EXPRESSED CONCERN WITH A) CONFINEMENT OF CREWS TO BOATS (WE BELIEVE THAT LIBERTY ASHORE HAS NOW BEEN APPROVED); B) RADIO SILENCE REMAINS IMPOSED; AND C) PETTY THIEVERY BY ECUADOREAN SAILORS PLACED ON THEIR BOATS. CONSUL KELLER WILL GO TO SALINAS JAN. 28 TO LOOK INTO THESE MATTERS AND RENDER OTHER APPROPRIATE ASSISTANCE. DEWITT

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